

United States District Court

District of South Dakota

Central Division

3:18-CR-30061

Waylon Young Bird

v.

United States of America

Case: 19-CR-2125

Motion to Request Consideration of Sentence Adjustment

Comes Now, the Petitioner, Waylon Young Bird, pro se, to move and pray the court to grant this motion with and under the following consideration.

1. This motion is subsequent to my guilty verdict on April 2, 2019, in the Central Division of the District of South Dakota Court. My guilty verdict was for Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance. The rendered sentence was 136 months for each count, to run concurrently.
2. I am currently incarcerated at Federal Medical Center at: P.O. Box 4000, Springfield, MO 65801
3. Prior to incarceration I was afflicted with several medical and health related issues. During incarceration some of these medical problems have become significantly exacerbated and some new medical problems have surfaced.

4. As a result, I am classified by the BOP medical staff as a "high medical risk inmate." Moreover, the high-risk classification further categorizes my overall condition as "terminal." The scope of the medical/health conditions include but are not limited to:
 - a. Chronic Kidney Dialysis recipient
 - b. Kidney renal failure
 - c. 8% Kidney function
 - d. Insulin dependent Diabetes
 - e. High Blood Pressure
 - f. Congestive Heart Failure
 - g. Neuropathy in both hands and both feet
 - h. Asthma – Inhaler is required
 - i. Poor circulation in legs
 - j. Amputation of toe
 - k. Cataracts in both eyes
 - l. Severe arthritis
 - m. Restless leg syndrome
 - n. Lower back lumbar vertebrae collapse
5. A recent judgment was handed down by Your Honor Roberto Lange in the Central Division of the District Court of South Dakota whereby two brothers, Terry and Fred Dillabaugh, were sentenced to federal prison terms of 34 and 44 months respectively. The sentence was based on them being stopped by the tribal officer on the Cheyenne River Indian Reservation and found in possession of 66.32 grams of methamphetamine.
6. On April 2, 2019, I was found guilty of being in possession of 5.2 grams of methamphetamine and was subsequently sentenced to 136 months in federal prison. Through a convoluted series of steps orchestrated by the tribal officer and prosecution, witnesses of highly questionable reliability and integrity testified that I was a distributor of the drug.

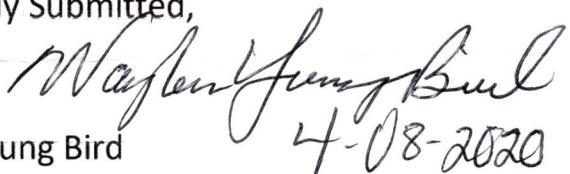
7. The basis of this motion is founded on seeking a fair and reasonable judgment based on the magnitude and scope of the crime being adjudged. I therefore, petition Your Honor to re-consider the overall facts underlying my conviction and judgment and re-sentence me to a penalty commensurate with other, recent methamphetamine judgments within the Cheyenne Reservation environment. While it is recognized that my medical and health condition is not related to the illegal actions that I engaged in, I humbly and respectfully appeal to Your Honor to also consider my personal medical condition in your determination of my motion.

Therefore, taking the above into consideration, Petitioner moves this Honorable Court to grant this motion in order to mitigate the current federal sentence of the petitioner and arrive at a reasonable punishment in accordance with his degree of guilt and to furthermore, enable me to spend my remaining time within the care and presence of my family.

Submitted this 8th day of April 2019, I hereby attest, under penalty of perjury, that the facts and information presented in this motion are true to the best of my belief and knowledge.

Respectfully Submitted,

Waylon Young Bird



4-08-2020

Federal ID # 04082-073

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